

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Margaret-Rae Couch,

Civil No. 10-3822 (MJD/FLN)

Plaintiff,

v.

**REPORT AND  
RECOMMENDATION**

Bank of America, et al.,

Defendants.

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Daniel E. Gustafson & Sung-Yun K. Smith for Plaintiff.  
Jared M. Goerlitz for Defendants.

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**THIS MATTER** came before the undersigned United States Magistrate Judge on November 19, 2010 on Defendants' Motion to Dismiss or, Alternatively, for a More Definite Statement (ECF No. 4). The matter was referred to the undersigned for Report and Recommendation pursuant to 28 U.S.C. § 636 and Local Rule 72.1.

On June 30, 2011, the parties reached a settlement agreement at a conference held before the undersigned. The terms of the settlement were articulated on the record before the Court. Based upon the foregoing, and all the files, records and proceedings herein, **IT IS HEREBY RECOMMENDED** that Defendants' Motion to Dismiss or, Alternatively, for a More Definite Statement (ECF No. 4) be **DENIED as moot**.

DATED: June 30, 2011

s/ Franklin L. Noel  
FRANKLIN L. NOEL  
United States Magistrate Judge

Pursuant to the Local Rules, any party may object to this Report and Recommendation by filing with the Clerk of Court and serving on all parties, on or before **July 14, 2011**, written objections that specifically identify the portions of the proposed findings or recommendations to which objection is being made, and a brief in support thereof. A party may respond to the objecting party's brief within fourteen (14) days after service thereof. All briefs filed under the rules shall be limited to 3,500 words. A judge shall make a de novo determination of those portions to which objection is made.

Unless the parties are prepared to stipulate that the District Court is not required by 28 U.S.C. § 636 to review a transcript of the hearing in order to resolve all objections made to this Report and Recommendation, the party making the objections shall timely order and cause to be filed by **July 14, 2011**, a complete transcript of the hearing.

This Report and Recommendation does not constitute an order or judgment of the District Court, and it is, therefore, not appealable to the Circuit Court of Appeals.